

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

V.

Case No. 4:09-CV-00686 (ERW)

E.I. DU PONT DE NEMOURS AND
COMPANY and PIONEER HI-BRED
INTERNATIONAL, INC.,

Defendants.

JOINT NOTICE REGARDING SUBMISSION OF *MARKMAN* DEPOSITION DESIGNATIONS

COME NOW Plaintiffs Monsanto Company and Monsanto Technology LLC (“Monsanto”) and Defendants E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (“DuPont & Pioneer”) and notify the Court that the parties have worked together to prepare deposition designations from the depositions of the experts disclosed by the parties prior to the *Markman* hearing conducted by the Court on September 2, 2010. The parties are in the process of preparing a binder containing (1) tables reflecting these designations, counter-designations, and objections; and (2) color-coded and annotated deposition transcripts. As soon as this process is completed, the parties will deliver this binder to chambers so that the Court can consider these materials, as it deems appropriate, in connection with the claim construction issues currently before the Court.

Dated: October 1, 2010

Respectfully submitted,

HUSCH BLACKWELL SANDERS LLP

LEWIS, RICE & FINGERISH, L.C.

/s/ Joseph P. Conran

(signed with permission by filing counsel)

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